REMARKS

Claims 84 - 104 are pending. Claims 1 - 12 and 73 - 83 have been cancelled. Claims 84 - 104 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the February 9, 2004 Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for claim 74 under 37 C.F.R. § 1.75(d). The Examiner objected to claims 83 due to an informality.. Claims 74 and 83 have been cancelled.

In the February 9, 2004 Office Action, the Examiner rejected claims 1 - 6, 9 - 12, 71 - 73, and 80 - 83 under 35 U.S.C. § 102(b) as being anticipated by Amazon.com ("the Amazon reference"). The Examiner rejected claims 1 - 6, 9 - 12, 71 - 73 and 80 - 83 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,512,919 to Ogasawara ("the Ogasawara reference"). The Examiner rejected claims 75 - 78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,385,591 to Mankoff ("the Mankoff reference"). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Amazon.com reference or the Ogaswara reference in view of Bluetooth. The Examiner rejected claim 8 as being unpatentable over the Amazon or Ogasawara reference in view of the reference in E-Commerce "Amazon and Sprint Debut Net Shopping" ("the E-Commerce article"). The Examiner rejected claim 74 under 35 U.S.C. § 103(a) as being unpatentable over the Amazon or Ogasawara reference in view of U.S. Patent No. 6,535,913 to Mittal et al ("the Mittal reference"). The Examiner rejected claim 79 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,385,591 to Makoff in view of the Mitall reference. These rejections

are respectfully traversed in so far as applicable to the presently pending claims.

Independent claim 84 recites:

A self-contained business transaction capsule to conduct a wireless transaction, comprising:
data regarding transaction products and transaction services;
data regarding transaction participants;
logic, in the form of executable code, enabling interaction between the transaction participants and the self-contained business transaction capsule;
logic, in the form of executable code, enabling modification of the wireless transaction; and
logic, in the form of executable code, enabling transfer of the self-contained business transaction capsule from a wireless electronics device to other transaction participants.

Support for new claim 84 is found in the application, in among other places, page 13, lines 1 - 3; page 19, lines 6 - 16; and page 19, line 20 - page 20, line 2. The Amazon reference does not disclose, teach, or suggest the self-contained business transaction capsule of claim 84. The Amazon reference discloses browser software that has been downloaded from a server to allow for input of data when a cellular telephone or palm device is connected to a server. There is no disclosure that transaction specific logic is downloaded from the Amazon server as part of the client-server communication. Further, there is no disclosure that the Amazon reference has logic enabling the transferring of the self-contained business transaction from a wireless electronics device to other transaction participants. The Amazon reference only discloses the transferring of data from the wireless phone or PDA to a server. This is not the same as logic, in the form of executable code, enabling transfer of the self-contained business transaction capsule from a wireless electronics device to other transactions participants. In other words, the Amazon capsule being transferred to the server only includes data. It does not include logic, and specifically logic enabling transfer of the self-contained business transaction capsule from a wireless device to

other transaction participants. Accordingly, applicant respectfully submits that independent claim 84 distinguishes over the Amazon reference.

The Ogasawara reference does not make up for the deficiencies of the Amazon reference. The Ogasawara reference includes downloading a program to a wireless telephone where the program is stored in program memory of the wireless telephone. In the Ogasawara reference, the store server and/or the remote server contain a program, which cooperates with the wireless telephone to effect purchase transactions, including selection of items to be purchased and payment therefore. *(Ogasawara reference; Col. 5, lines 49 - 69).* A purchaser then selects items to purchased; in the preferred embodiment, this occurs by scanning UPC bar codes. After each product is selected, a description of the product and price thereof is shown in the wireless telephone display. When a message coming from the wireless telephone is received by the store server or remote server, the message is associated with a unique identifier of the customer. For example, when the store server or remote server receives bar code data from the customer's wireless telephone, the store server or remote server searches a database and obtains a description and price for the item scanned. The item description and price data are then transmitted to the customer's wireless telephone and is preferably displayed on the display itself. All of the data received from the customer wireless telephone, including data regarding returned items are kept by the store server or remote server to facilitate a subsequent payment procedure. In other words, the Ogasawara reference is sending data and messages back and forth during a live wide-area network connection. *(Ogasawara reference; Col. 6, lines 32 - 57).*

The Ogasawara reference does not disclose, teach, or suggest the self-contained business transaction capsule of claim 84. The Ogasawara reference does not disclose that its downloaded software has logic, in the form of executable code, that enables transfer of the self-contained business transaction capsule from a wireless electronic device to other transaction participants. The Ogasawara reference discloses only the transferring of data from the wireless telephone to the store server or remote server. While the program is downloaded to the wireless telephone in the Ogasawara reference, there is no disclosure that the Ogasawara reference has logic enabling the downloaded software, akin to the self-contained business transaction capsule, to be transferred back to the store server or remote server. Accordingly, applicant respectfully submits that claim 84 distinguishes over the Ogasawara reference, alone or in combination with the Amazon reference.

The Mittal reference does not make up for the deficiencies of the Amazon and Ogasawara references. The Examiner utilizes the Mittal reference to illustrate that the use of offline communication to facilitate a transaction between the user and the system. *(February 9, 2004 Office Action, page 10)*. Specifically, an applet and a knowledge database are downloaded to a client, the client including a portable electronic device such as a wireless telephone. The client can configure his product off-line via use of the downloaded applet and knowledge database. Once the product is configured, client 133 can go on-line and upload a finished order. Working off-line allows the client 133 to configure a knowledge base off-line and allows him to place an order for the configured product at any desired time. In the download that includes the knowledge base, ASCII flat files are also sent to allow for differences in computer

platforms and languages to be utilized on the same network-interaction topology. *(Mittal, Col. 7, lines 22 - 50).*

The Mittal reference is really an off-line store and forward mechanism, i.e., it stores the configured product data and sends the configured product data to the server to place the order. This is not the same as downloaded logic, in the form of executable code, enabling transfer of the self-contained business transaction capsule from a wireless electronic device to other transaction participants. In other words, the Mittal reference is only disclosing transferring of product configuration **data** from the client to the server and not transfer of **data and logic** from the client to the server. Accordingly, applicants respectfully submits that claim 84 distinguishes over the Mittal reference, alone or in combination with the Amazon and Ogasawara references.

Further, each of the Amazon, Mittal, and Ogasawara references describe client-server model systems generally in a wide-area-network based system. In these references, data about a particular transaction is transmitted between the client and server software in real-time via an Internet connection (Amazon and Ogasawara references) or via an off-line store and forward mechanism (the Mittal reference). However, claim 84 recites that the self-contained business transaction capsule has logic to allow the self-contained business transaction capsule, including both data and logic, to be transmitted from a wireless electronics device to a server.

Claims 93 and 102 recite similar limitations to claims 84. Accordingly, applicant respectfully submits that claims 93 and 102 distinguish over the Amazon, Mittal, and Ogasawara references, alone or in combination, for similar reasons as discussed above in regard to claim 84.

20497867v2

Claim 102 further distinguishes over the cited Amazon, Ogasawara, and Mittal references. Applicants have added the term "entire" to the fourth limitation so that the fourth limitation now recites:

> logic, in the form of executable code, regarding the wireless transaction and enabling transfer of the **entire** self-contained business transaction capsule from a wireless electronics device to other transactions participants.

As discussed above, the Amazon, Ogasawara, and Mittal references do not disclose, teach, or suggest the self-contained business transaction capsule of claim 102, as recited. None of the above-identified references disclose the transferring of the entire self-contained business transaction capsule because none of the Amazon, Ogasawara, and Mittal references disclose transferring of data and logic to other transaction participants. Accordingly, applicants respectfully submit that claim 102 further distinguishes over the Amazon, Ogasawara, and Mittal references, alone or in combination.

Claims 85 - 92, 95 - 101, and 103 - 104 depend, directly or indirectly, on claims 84 and 93. Accordingly, applicant respectfully submits that claims 85 - 92, 95 - 101, and 103 - 104 distinguish over the Amazon, Mittal, and Ogasawara references, alone or in combination, for the same reasons as discussed above in regard to independent claims 84 and 93.

Dependent claim 85 further distinguishes over the cited references. Dependent claim 85, recites:

> The self-contained business transaction capsule, according to claim 84, further including logic, in the form of executable code, **enabling the copying of the object to other participants.**

12

The Examiner states that both the Amazon reference and the Ogasawara reference fail to disclose that a self-contained business transaction capsule is readily transmittable from a portable electronic device to another portable electronic device. *(Office Action, pages 9 and 10)*. Applicant agrees and submits that dependent claim 85 distinguishes over the Amazon and Ogasawara references, alone or in combination.

The Mittal reference does not make up for the deficiencies of the Amazon and Ogasawara references. The Mittal reference does not disclose or discuss the copying of the self-contained business transaction capsule to other participants.

The Examiner utilizes the E-Commerce article to show that the wireless device disclosed in the Amazon reference is able to send gifts to other people using the wireless net shopping and also that many Internet tools are available including sending and receiving of emails. *(Office Action, page 9)*. Applicant understands the features of the E-commerce article, but these features are not the same as downloading, transferring, and copying the self-contained business transaction capsule, **including logic and data**, to other transaction participants, such as other wireless electronics devices or wireless telephones. Accordingly, applicant respectfully submits that claim 85 distinguishes over the E-commerce article, alone or in combination, with the Amazon, Ogasawara, and Mittal references.

Dependent claim 94 recites similar limitations to claim 85. Accordingly, applicants respectfully submit that claim 94 distinguishes over the E-commerce article, the Amazon reference, the Ogasawara reference, and the Mittal reference, alone or in combination, for similar reason as discussed above in regard to claim 85.

Dependent claim 86 further distinguishes over the cited references. Dependent

claim 86 recites:

The self-contained business transaction capsule, according to claim 84, further including logic, in the form of executable code, **to access functionality with other wireless devices utilizing a peer-to-peer topology for data transmission**.

As discussed above, the Amazon reference, the Ogasawara reference, and the Mittal reference are disclosing client-server applications and there is no disclosure of the utilization of a peer-to-peer topology, such as a wireless peer-to-peer topology. Accordingly, applicant respectfully submits that claim 86 further distinguishes over the Amazon, Ogasawara, and the Mittal references, alone or in combination.

Dependent claim 95 recites similar limitations to claim 86. Accordingly, applicant respectfully submits that claim 95 further distinguishes over the Amazon, Ogasawara, and the Mittal references, alone or in combination, for similar reasons as discussed above in regard to claim 86.

Dependent claim 87 further distinguishes over the cited references. Dependent claim 87 recites:

Claim 87 recites:

The self-contained business transaction capsule according to claim 84, further including logic, in the form of executable code, **to access functionality with other wireless devices utilizing a peer-to-peer topology for transmission of the entire self-contained business transaction capsule**.

Again, the Amazon, Ogasawara, and Mittal references, do not disclose the utilization of a peer-to-peer topology, instead they are directed to a client-server topology. Accordingly, applicant respectfully submits that claim 87 distinguishes over the Amazon, Ogasawara references, alone or in combination.

Dependent claim 89 further distinguishes over the cited references. Dependent claim 89 recites:

The self-contained business transaction capsule according to claim 84, further including logic in the form of executable code, to access functionality in remote **commerce systems** for order processing, payment processing, or messaging utilizing a client-server topology for transmission of the self-contained business transaction module from the portable electronic device to one of the remote mobile commerce systems.

Support for claim 89 may be found, among other places on page 24, lines 8 - 21 of the specification. None of the cited references, i.e., the Amazon, Ogasawara, or Mittal references, disclose that their downloaded web browsers or software interface with a plurality of systems (mobile commerce systems). In the Amazon reference, the wireless telephone or the PDA interfaces with the Amazon server. In the Ogasawara reference, the wireless telephone only communicates with one server, either a local or a remote server. In the Mittal reference, the wireless telephone is only disclosed to upload the configured product to the server 137. Accordingly, applicant respectfully submits that claim 89 further distinguishes over the Amazon, Ogasawara, and Mittal references, alone or in combination.

Dependent claim 96 recites similar limitations to claim 89. Accordingly, applicants respectfully submit that claim 96 distinguishes over the Amazon, Ogasawara, and Mittal references, alone or in combination, for similar reasons as discussed above in regard to claim 89.

Claim 90 further distinguishes over the cited references. Claim 90 recites:

The self-contained business transaction capsule according to claim 84, wherein the self-contained business transaction capsule **automatically activates once a certain event occurs.**

None of the cited references (Amazon, Ogasawara, and Mittal references) disclose the **<u>automatic</u>** activation of the downloaded software or browser. Illustratively, the Amazon downloaded software is activated by the user selecting a menu option.

15

The Ogasawara reference is activated by either selection a menu option or clicking on

an icon. The Mittal reference is activated by the clicking or selection of an icon in a

user interface. This is not the same as **automatically** activating a self-contained

business transaction capsule once a certain event occurs. Each of the above-cited

references' activation requires a manual intervention by a user. Accordingly, applicant

respectfully submits that claim 90 further distinguishes over the Amazon, Ogaswara,

and Mittal references, alone or in combination.

Claims 91 and 92 further distinguishes over the cited references. Claims 91 and

92 recites:

> 91. The self-contained business transaction capsule according to claim 90, wherein **the event is arriving in an area where a wireless networking protocol that utilizes short-range radio waves is operating.**

> 92. (new) The self-contained business transaction capsule according to claim 90, wherein **the event is arriving in an area where a device is broadcasting other self-contained business transaction capsules.**

None of the cited references (Amazon, Ogasawara, and Mittal references)

disclose the automatic activation of the downloaded software or browser. Specifically,

none of the cited references disclose automatic activation when 1) **a wireless**

electronic device enters an area where a wireless networking protocol that

utilizes short-range radio waves is operating; 2) the wireless electronics device

arrives in an area where a device is broadcasting other self-contained business

transaction capsules. Illustratively, the Amazon downloaded software is activated by

the user selecting a menu option. The Ogasawara reference is activated by either

selection a menu option or clicking on an icon. The Mittal reference is activated by the

16

clicking or selection of an icon in a user interface. This is not the same as automatically

activating a self-contained business transaction capsule once either of the above-

identified events occurs. Accordingly, applicant respectfully submits that claims 91 and

92 further distinguish over the Amazon, Ogaswara, and Mittal references, alone or in

combination.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /
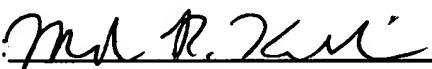
/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.
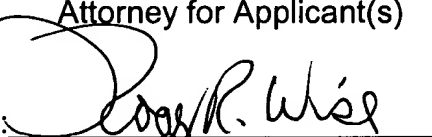
Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: June 8, 2004

By: _____
Mark R. Kendrick
Registration No. 48,468
Attorney for Applicant(s)

Date: June 8, 2004

By: _____
Roger R. Wise
Registration No. 31,204
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

18

20497867v2